

Maryland Judicial Ethics Committee

Opinion Request Number: 1975-10

Date of Issue: October 21, 1975

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge Not to Serve as Church Treasurer

You have asked this Committee whether you may, with propriety, serve as treasurer of your church. You indicate that for more than 40 years you have been a member of X Church, a small church in _____, Maryland, which has no more than 100 members. During the period of your membership you have served from time to time as an officer of the church and served as treasurer prior to your appointment to [a court].

Maryland Rule of Judicial Ethics No. 9 provides:

“A judge shall not, directly or indirectly, lend the influence of his name or the prestige of his office to aid or advance the welfare of any private business or permit others to do so. He shall not personally solicit funds for any purpose, charitable or otherwise.”

While this Rule is not intended to prohibit judges from serving as officers or trustees of corporations formed for religious purposes, it does proscribe any participation in a solicitation for funds. The acceptance of an appointment or an election to the office of church treasurer might well support the notion that the prestige of judicial office was being used to promote the financial welfare of the church. While the Code of Judicial Conduct, promulgated by the American Bar Association, has not been adopted in Maryland, this possibility has been noted by Canon 5B(2).

Under these circumstances, it is the opinion of the Committee that it would be preferable for you not to accept that office.